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MT LEGISLATIVE HISTORY

Chapter 459 1989

Bill H _____ (S) 433 Original bill & hist. ___C

H. Committee on Judiciary		S. Committee on Judiciary	
Hearing Date(s) Mar 22	✓C	Hearing Date(s) Feb 17	✓C
_____	___C	_____	___C
_____	___C	_____	___C
_____	___C	_____	___C
Date Out Mar 22	✓C	Feb 17	✓C

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

MINUTES

MONTANA SENATE
51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By Chairman Bruce Crippen, on February 17, 1989, at 10:00 a.m.

ROLL CALL

Members Present: Chairman Bruce Crippen, Vice Chairman Al Bishop, Senators Tom Beck, Mike Halligan, Bob Brown, Joe Mazurek, Loren Jenkins, R.J. "Dick" Pinsoneault, John Harp and Bill Yellowtail

Members Excused: None

Members Absent: None

Staff Present: Valencia Lane, Staff Attorney; Rosemary Jacoby, Secretary

Announcements/Discussion: Chairman Crippen announced that the committee would probably work through the lunch hour in an attempt to act on bills pending.

HEARING ON SENATE BILL 433

Presentation and Opening Statement by Sponsor:
Senator Bob Williams, District #15, Hobson, Montana presented SB 433. He stated that the bill would allow child support action over a non-resident parent. The bill would authorize state district courts to exercise personal jurisdiction over a non-resident parent in a child support action, when a non-resident parent has significant ties to the state. The bill is not to take the place of URESA, but is to supplement URESA.

List of Testifying Proponents and What Group they Represent:

Brenda Nordlund, lobbyist for the Montana Women's Lobby
Cindy Thornton, Missoula

List of Testifying Opponents and What Group They Represent:
None

Testimony:

Brenda Nordlund testified in support of the bill as an alternative to URESA for private actions and in child support.

Cindy Thornton testified in support of the bill. She said that the main reason for the bill was to enhance the state's ability to adjudicate child support over a non-resident parent. It was her understanding that there is a terrible backlog from the time a URESA action is initiated. She pointed out that it takes 3 to 4 months before the petition is sent to another state and possibly another 6 months before it is reviewed. In certain circumstances, the state is powerless to award child support, she stated.

Questions From Committee Members:

Senator Mazurek asked Cindy Thornton if she was aware that the URESA statute was presently being rewritten and is addressing the private right of action. Cindy replied that her main concern was cutting out the delaying tactics that attorneys use and she wasn't sure that URESA was addressing the private right of action.

Closing by Sponsor:
Senator Williams stated that passage of the bill would certainly not hurt anyone and would help several children who have been abandoned by their fathers or mothers. He urged a Do Pass.

DISPOSITION OF SENATE BILL 433

Discussion:

Amendments and Votes:

Recommendation and Vote: Senator Halligan MOVED that Senate Bill 433 DO PASS. The MOTION CARRIED UNANIMOUSLY.

HEARING ON SENATE BILL 425

Presentation and Opening Statement by Sponsor:
Senator John Harp, of Kalispell, representing District #4, presented SB 425. He explained the bill as an act to abolish the office of workers compensation judge and replace

ROLL CALL

JUDICIARY COMMITTEE

51st LEGISLATIVE SESSION -- 1989 Date 2-17-89

NAME	PRESENT	ABSENT	EXCUSED
SENATOR CRIPPEN	✓		
SENATOR BECK	✓		
SENATOR BISHOP	✓		
SENATOR BROWN	✓		
SENATOR HALLIGAN	✓		
SENATOR HARP	✓		
SENATOR JENKINS	✓		
SENATOR MAZUREK	✓		
SENATOR PINSONEAULT	✓		
SENATOR YELLOWTAIL	✓		

Each day attach to minutes.

DATE Feb. 17, 1989

COMMITTEE ON Judiciary

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One: Support	Oppos
Robert Gilliard	Governor's Office	431		
Boyd Roger	61A	431		X
[illegible]	Sailboat	451		X
Cyndi Hubenton		433	X	
Carol Mosher	Mt. Cattle Women	431	X	
Marie Keegan		433	X	
Pius Ehli	Big 6 Bingo Bolling	431		X
Pat Martin	Big Bros & Sisters	431		
Linda Lefebvour	Big Bros & Sisters	431		
Jerry G. Will	S W's Bingo	431		
Bob Durkee	MTA	431	X	
Steve Mandeville	Self			
Tex Pate	M.A.A.	431		
Michael P Cretcaro	Private Business	431	X?	
Tom Lohman	Private Bus	431	X	
Bob Smith	Dept. of Justice	431		
Cindy Pooler	Dept. of Commerce	431	X	
John Ed Komedy Jr.	mayor of Kalispell	431	X	
Brad Schaff	Gaming Adv. Council	431	X	
John Dillon	Dept. of Commerce	431	X	
Mike McMeekin	Gaming Advisory Council	431	X	
Jan VanRiper	self	425		X
Brenda Nordlund	MT Women's Lobby	433	X	
Stan Kaleczyc	Columbia Falls Alum Co Plum Creek Timber Co	425	X	
George Wood	Mt Self Employed Assn	425		X

ROLL CALL VOTE

SENATE COMMITTEE JUDICIARY

Date 2-17-89 Senate Bill No. 433 Time
Williams

NAME	YES	NO
SEN. BISHOP	✓	
SEN. BECK	✓	
SEN. BROWN	✓	
SEN. HALLIGAN	✓	
SEN. HARP	✓	
SEN. JENKINS	✓	
SEN. MAZUREK	✓	
SEN PINSONEAULT	✓	
SEN.YELLOWTAIL	✓	
SEN. CRIPPEN	✓	

UNAN

Rosemary Jacoby
Secretary

Sen. Bruce Crippen
Chairman

Motion: Halligan DoPass. UNAN

SENATE STANDING COMMITTEE REPORT

February 17, 1989

MR. PRESIDENT:

We, your committee on Judiciary, having had under consideration SB 433 (first reading copy -- white), respectfully report that SB 433 do pass.

DO PASS

Signed: _____

Bruce D. Crippen, Chairman

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sen0433.217

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By Chairman Dave Brown, on March 22, 1989, at 7:30 a.m.

ROLL CALL

Members Present: All members were present.

Members Excused: None.

Members Absent: None.

Staff Present: Julie Emge, Secretary
John MacMaster, Legislative Council

Announcements/Discussion: None.

HEARING ON SENATE BILL 433

Presentation and Opening Statement by Sponsor:

- Rep. Williams stated SB 433 is to get child support from husbands that are out-of-state. The federal government has some laws that cover this, but they don't seem to cover it quick enough to where the parent can get the needed funding to take care of their children.

Testifying Proponents and Who They Represent:

Brenda Nordlund, Montana Womens Lobby

Proponent Testimony:

Brenda Nordlund stated they support SB 433, this is another vehicle to help improve child support enforcement in the state of Montana. It is not intended to supplant the Euretha statutes that are uniform statutes throughout the United States, it was drafted in a fashion to be as Constitutional as possible. She urged the committees support of this measure of yet another step to improve the situation in child support enforcement.

Testifying Opponents and Who They Represent:

None.

Opponent Testimony:

None.

Questions From Committee Members: Rep. Gould asked Sen. Williams what is significant ties in the title? Sen. Williams stated that is when they are in and out of the state for various reasons then they can force them to pay the child support.

Closing by Sponsor: Sen. Williams closed SB 433.

DISPOSITION OF SENATE BILL 433

Motion: Rep. Gould moved SB 433 BE CONCURRED IN, motion seconded by Rep. Brooke.

Discussion: None.

Amendments, Discussion, and Votes: None.

Recommendation and Vote: The recommendation SB 433 BE CONCURRED IN CARRIED unanimously.

HEARING ON SB 397

Presentation and Opening Statement by Sponsor:

Sen. Meyer stated that SB 397 would give the Governor the power to be able to look at executive rules that department heads are making. This will allow for him to see what his department heads are doing (See EXHIBIT 1).

Testifying Proponents and Who They Represent:

Jim Mocklear, Executive Director, Montana Coal Council
Don Ingles, Montana Chamber of Commerce
Ben Havdahl, Montana Motorcarry Association
Gene Phillips, Pacific Power & Light Company
John Lahr, Montana Power Company
John Delano
Dennis Burr, Montana Taxpayers Association
Gary Langley, Executive Director, Montana Mining Corporation
Carol Mosher, Montana Cattle Women

Proponent Testimony:

Jim Mocklear stated as representative of the most highly regulated industry in the State of Montana he encouraged the committee to allow the Governor to take this burden upon itself.

DAILY ROLL CALL

JUDICIARY COMMITTEE

51st LEGISLATIVE SESSION -- 1989

Date March 22, 1989

NAME	PRESENT	ABSENT	EXCUSED
REP. KELLY ADDY, VICE-CHAIRMAN	X		
REP. OLE AAFEDT	X		
REP. WILLIAM BOHARSKI	X		
REP. VIVIAN BROOKE	X		
REP. FRITZ DAILY	X		
REP. PAULA DARKO	X		
REP. RALPH EUDAILY	X		
REP. BUDD GOULD	X		
REP. TOM HANNAH	X		
REP. ROGER KNAPP	X		
REP. MARY McDONOUGH	X		
REP. JOHN MERCER	X		
REP. LINDA NELSON	X		
REP. JIM RICE	X		
REP. JESSICA STICKNEY	X		
REP. BILL STRIZICH	X		
REP. DIANA WYATT	X		
REP. DAVE BROWN, CHAIRMAN	X		

VISITORS' REGISTER

JUDICIARY COMMITTEE

BILL NO. SB 433 DATE MARCH 22, 1989

SPONSOR SEN. WILLIAMS

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Brenda Nordlund	Mt Ass't Lobby	✓	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

STANDING COMMITTEE REPORT

March 22, 1989

Mr. Speaker: We, the committee on Judiciary report that SENATE BILL 433 (third reading copy -- blue) be concurred in .

Signed: _____
Dave Brown, Chairman

[REP. GOULD WILL CARRY THIS BILL ON THE HOUSE FLOOR]